

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JAIME CHAVEZ,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:19cv454-MHT
)	(WO)
OFFICER ANTHONY PARKER,)	
)	
Defendant.)	

ORDER

This case is before the court on plaintiff Jaime Chavez's letter to the court, which the court has construed as a motion to vacate the judgment. It is ORDERED that the motion to vacate the judgment (doc. no. 11) is denied, for the following reasons.

First, in his motion to vacate, plaintiff Chavez explains that his mail has been delayed since January 2020 because of his transfer to the infirmary in another prison. However, Chavez's case was dismissed because he failed to comply with a June 2019 order to file an affidavit or declaration, sworn under oath, restating the facts that he included on an unsworn

document attached to his original complaint. See Recommendation (doc. no. 6); Opinion (doc. no. 7); Judgment (doc. no. 8). Chavez still has not explained why he failed to file the required sworn statement of facts in 2019, which he should have done long before his mail was delayed in 2020. Therefore, the delay of his mail in January 2020 does not change the court's decision.

Second, there is no reason to vacate the judgment in this case because Chavez filed a new case about the same incident (2:19-cv-1044), and that case is still going forward. The dismissal of this case will not prevent Chavez from pursuing his new case.

DONE, this the 20th day of April, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE